

# **The High Court Of Madhya Pradesh**

**MCRC-27045-2018**

*(PADEEP Vs THE STATE OF MADHYA PRADESH)*

**Jabalpur, Dated : 26-07-2018**

Shri Shreyash Pandit, learned counsel for the applicant.

Shri Rohit Jain, learned Govt. Advocate for the respondent/State.

This is the first bail application filed by the applicant **Pradeep S/o Shri Bhagwansingh Yadav** under Section 438 of the Code of Criminal Procedure Code, 1973 in connection with Crime No. 134/2018 registered at Police Station Naryavali, District Sagar under Section 34(2) of the M.P. Excise Act 1915.

In short the prosecution story is that on 04.05.2018 it was learnt by the police through an informant that some persons are involved in selling the liquor without license from Mara Dhaba from a farm land. It is submits that the police visited the spot and seized 1656 bulk liters of liquor as a result of which, an offence under Section 34(2) of the M.P. Excise Act has been registered against the present applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and no case is made out against the applicant. The only allegation against the applicant is that the liquor which has been seized from a open farm belongs to the present applicant. The case has been registered against the applicant only on the basis of the statement may by the main accused. He further submits that the name of the applicant has also not been mentioned in the First Information Report. He further relied on the judgement passed by the Division Bench of this Court in the case of **Naresh K. Lahria Vs. State of M.P., reported in 2004 (4) MPHT 205**, in which the Division Bench of this Court has held that there is no bar for granting the anticipatory bail as provided under Section 59(A) of the M.P. Excise Act. He further submits that the other co-accused person i.e. Suresh Kori has been granted anticipatory bail by this Court.

Learned Government Advocate appearing on behalf of the State opposes the prayer for grant of bail on the ground that the liquor in question was found in the land belongs to the applicant.

Perused the case diary.

From perusal of the case diary, it appears that the liquor has been kept on the land of the applicant. So far as granting anticipatory bail to the other co-accused person i.e. Suresh Kori is concerned, there is no

evidence against the Suresh Kori.

Thus, in view of the aforesaid, I do not find any reason to grant anticipatory bail to the applicant.

Accordingly, the application is dismissed.

**(MISS VANDANA KASREKAR)**  
**JUDGE**

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